

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FIDELITY MANAGEMENT TRUST
COMPANY, as Collateral Agent for
Mellon Bank, N.A., as Trustee of Bell
Atlantic Master Trust with Respect to
to Account C,

Plaintiff,

v.

RICCARDO OLIVIERI, an individual,
Defendant.

Civil Action No. 04-CV-11873-NMG

**OBJECTION TO “FIDELITY MANAGEMENT TRUST COMPANY’S MOTION TO
VACATE REMOVAL AND FOR REMAND”**

The Defendant objects to the above motion, and in support hereof states that this Court has jurisdiction over the issues in this case, both as a matter of diversity, and as a matter of addressing a non-core proceeding related to a pending Bankruptcy case.

Further, the language of the guaranty signed by the Defendant, but authored by the Plaintiff or its principals, is insufficiently explicit to bar the Defendant from seeking removal.

In further support hereof, the Defendant has this date submitted a Memorandum of Law.

RICCARDO OLIVIERI

By his attorneys,

/s/ Kenneth J. DeMoura

Richard L. Levine (BBO#297040)

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